

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANNA RILEY,

Plaintiff

v.

**Civil Action 2:19-cv-2773
Judge George C. Smith
Magistrate Judge Jolson**

**UNITED STATES POSTAL SERVICE.,
et al.,**

Defendants.

REPORT AND RECOMMENDATION

On January 24, 2020, the Court noted that the docket reflects that the Complaint had been served upon Defendants Joel Sims and Ron Bowman, that the time for filing an answer had passed, and that Plaintiff had not moved for the entry of default pursuant to Rule 55.1 of the Federal Rules of Civil Procedure. (Doc. 12). The Court granted Plaintiff an additional fourteen days to move for an entry of default against these Defendants. Plaintiff has failed to do so, and moreover, has appeared to abandon this case. (*See* Docs. 19, 20).

Based upon the foregoing, it is **RECOMMENDED** that Defendants Joel Sims and Ron Bowman be **DISMISSED without prejudice**. As they are the only remaining Defendants in this case (*see* Doc. 20), it is further **RECOMMENDED** that Plaintiff's Complaint be **DISMISSED without prejudice**.

Procedure on Objections

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those

portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: June 29, 2020

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE